Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Text

CONFIDENTIAL

PAGE 01 MONTRE 00313 171739Z

43
ACTION EUR-12

INFO OCT-01 ISO-00 SS-15 L-03 DHA-02 ORM-02 PRS-01 SCA-01

VO-03 NSC-05 NSCE-00 SSO-00 INR-07 INRE-00 CIAE-00

NSAE-00 DODE-00 FBIE-00 SY-05 INSE-00 PM-04 EURE-00

/061 W
---------- 050660
O R 171540Z MAR 76
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC IMMEDIATE 7332
INFO AMEMBASSY OTTAWA
AMEMBASSY WARSAW

C O N F I D E N T I A L MONTREAL 313

E. O. 11652: GDS
TAGS: PFOR, CA, PL
SUBJ: REQUEST FOR POLITICAL REFUGEE STATUS - ERWIN DRYWA,
POLISH SUBJECT

REF: 72 STATE A-270

1. DRYWA CALLED AT CONGEN ON MARCH 16, ACCOMPANIED BY OFFICIAL OF POLISH CANADIAN CONGRESS (QUEBEC), TO REQUEST POLITICAL ASYLUM AND ADMISSION TO THE U.S.

2. FOLLOWING IS INFORMATION REQUESTED IN A-270:
(A) ERWIN DRYWA, POLISH;
(B) BORN POLAND, AUGUST 16, 1941, SEAMAN;
(C) COPIES OF SEAMAN PAPERS. ORIGINALS IN POSSESSION OF CANADIAN IMMIGRATION;
(D) CANADIAN AUTHORITIES HAVE REJECTED HIS APPLICATION TO REMAIN IN CANADA. HE HAS APPLIED FOR ADMISSION TO WESTERN GERMANY, SWEDEN, DENMARK, SOUTH AFRICA, GREAT BRITAIN, AUSTRIA AND HOLLAND. SWEDEN ACCEPTED VISA APPLICATION, ALL OTHERS EITHER DENIED HIS REQUEST OR DODGED IT ON PROCEDURAL GROUNDS;
(E) APPLICANT DESERTED POLISH SALVAGE TUG JANTAR IN QUEBEC
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 MONTRE 00313 171739Z

CITY ON JUNE 5, 1975. SAID HE DESERTED AFTER HAVING BEEN WARNED

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

BY SHIPMATES THAT ON HIS RETURN TO POLAND HE WOULD BE ACCUSED OF CRITICIZING POLISH REGIME;

(F) CLAIMS NO PREVIOUS CRIMINAL RECORD BUT SAID THAT HE WAS SUSPENDED FROM MERCHANT MARINE FROM APRIL TO SEPTEMBER, 1974 FOR ANTI-POLISH REMARKS. VISA COMPUTER CHECK NEGATIVE;

(G) DRYWA WAS MEMBER OF POLISH COMMUNIST PARTY "AS ALL SEAMEN ARE" (IN WORDS OF POLISH CONGRESS INTERPRETER), BUT SAID MEMBERSHIP WAS CANCELLED WHEN HE DESERTED.

3. FOLLOWING HIS DESERTION, DRYWA APPLIED TO REMAIN IN CANADA BUT REQUEST WAS DENIED BY CANADIAN IMMIGRATION ON NOVEMBER 25, 1975. HE APPEALED TO IMMIGRATION APPEAL BOARD BUT THE APPEAL WAS REJECTED ON FEBRUARY 10, 1976 AND HE WAS ORDERED DEPORTED. HE SUBSEQUENTLY RECEIVED A THREE WEEK STAY OF DEPORTATION TO PERMIT HIM TO SEEK ENTRY INTO OTHER COUNTRIES. NEITHER THE IMMIGRATION ORDER OF NOVEMBER 25, 1975 NOR THE APPEAL DENIAL OF FEBRUARY 10, 1976 INDICATES THAT HIS CASE WAS CONSIDERED ON GROUNDS OF POLITICAL ASYLUM. DRYWA DOES NOT SPEAK ENGLISH OR FRENCH, ALTHOUGH HE SEEMS TO UNDERSTAND SOME ENGLISH. THROUGH POLISH CONGRESS REPRESENTATIVE HE TOLD CONGEN OFFICER THAT THE STATE-APPOINTED LAWYER DID NOT PROPERLY PRESENT HIS CASE TO THE CANADIAN IMMIGRATION AUTHORITIES AND THAT THE INTERPRETER DID NOT TRANSLATE HIS STATEMENTS CORRECTLY.

4. POLISH CANADIAN CONGRESS REPRESENTATIVE SAID DRYWA FIRST CAME TO CONGRESS ATTENTION AFTER THE FEBRUARY 10 REJECTION OF THE IMMIGRATION APPEAL. IN LATE FEBRUARY THE CONGRESS WROTE TO CANADIAN IMMIGRATION MINISTER REQUESTING THAT HIS CASE BE REOPENED AND CONSIDERED ON GROUNDS OF POLITICAL ASYLUM, BUT NO REPLY HAS BEEN RECEIVED. POLISH CONGRESS ALSO ARRANGED PRESS INTERVIEW FOR DRYWA DURING WHICH HE MADE STRONG ANTI-POLISH STATEMENTS WHICH APPEARED IN LOCAL NEWSPAPERS.

5. DRYWA CLAIMS (AND CONGRESS REPRESENTATIVE AGREES) THAT IF RETURNED TO POLAND HE WILL BE JAILED FIVE YEARS FOR DESERTION, FIVE FOR HAVING APPLIED FOR ASYLUM AND A PERIOD OF UP TO 10 YEARS FOR ANTI-POLISH STATEMENTS IN PRESS. IN ADDITION, HE CLAIMED HE WOULD HAVE TO WORK LONG AS A COAL MINER TO REPAY THE $1,000 WHICH THE CAPTAIN OF THE TUG WAS REQUIRED TO DEPOSIT WITH CANADIAN AUTHORITIES TO COVER HIS EXPENSES IN CANADA.
CONFIDENTIAL

CONFIDENTIAL

6. BECAUSE OF CONFLICT BETWEEN DRYWA'S CALIM THAT HE WOULD BE PROSECUTED IF RETURNED TO POLAND AND THE POSITION OF CANADIAN GOVERNMENT WHICH APPARENTLY DID NOT CONSIDER HIM AS A POLITICAL REFUGEE, WE CHECKED INFORMALLY WITH THE POLISH DESK OFFICER AT STATE. HE IS OF OPINION THAT ALTHOUGH DRYWA MAY HAVE EXAGGERATED THE EXTENT OF THE PROSECUTION HE WOULD FACE, HE WOULD DEFINITELY BE IN TROUBLE IF HE RETURNS TO POLAND, ESPECIALLY IN VIEW OF HIS

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

STATUS AS A SEAMAN.

7. IT IS NOT CLEAR HOW STRONGLY DRYWA'S CLAIM TO POLITICAL ASYLUM WAS ORIGINALLY PRESENTED TO CANADIAN AUTHORITIES. HOWEVER, IT IS CLEARLY THE MAIN THRUST OF HIS CASE NOW THAT HE IS UNDER POLISH CONGRESS SPONSORSHIP. CONGRESS REPRESENTATIVE TOLD US IT WILL NOW APPEAL RULING BY IMMIGRATION APPEAL BOARD THROUGH CANADIAN COURTS IN LAST-DITCH EFFORT TO STAY DEPORTATION. HE SAID CONGRESS HAD HESITATED TO DO THIS EARLIER BECAUSE OF COST INVOLVED.

8. CONGEN CONTACTED OTHER USG AGENCY BUT IT HAS NO ACTIVE INTEREST IN CASE. REQUEST DEPARTMENT'S OPINION WHETHER DRYWA WOULD APPEAR TO QUALIFY FOR ADMISSION TO U.S. AS POLITICAL REFUGEE.
HARPER

CONFIDENTIAL

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL ASYLUM, BIOGRAPHIC INFORMATION, DATA
Control Number: n/a
Copy: SINGLE
Draft Date: 17 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MONTRE00313
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760100-1136
From: MONTREAL
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760352/aaaabtls.tel
Line Count: 131
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE A-270
Review Action: RELEASED, APPROVED
Review Authority: BoyleJA
Review Comment: n/a
Review Content Flags:
Review Date: 12 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 APR 2004 by CunninFX>; APPROVED <02 AUG 2004 by BoyleJA>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR POLITICAL REFUGEE STATUS - ERWIN DRYWA, POLISH SUBJECT
TAGS: PFOR, CA, PL, US, (DRYWA, ERWIN)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006